

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

KOCH FOODS OF ALABAMA, LLC,  
an Alabama limited liability company,

Plaintiff and Counter-  
Defendant,

vs.

GENERAL ELECTRIC CAPITAL  
CORPORATION, a Delaware corporation,

Defendant and Counter-  
Plaintiff,

)  
CIVIL ACTION NO.  
2:07 CV 522-MHT

**GE CAPITAL CORPORATION'S MOTION FOR LEAVE TO FILE REPLY IN  
FURTHER SUPPORT OF ITS OBJECTIONS TO ORDER AND PROTECTIVE ORDER  
ENTERED BY MAGISTRATE JUDGE MOORER ON NOVEMBER 15, 2007**

Defendant/Counter-Plaintiff General Electric Capital Corporation ("GE Capital"), by and through its counsel of record, respectfully requests that this Court allow it leave until December 21, 2007, to submit a reply in further support of its Objections to Order and Protective Order Entered by Magistrate Judge Moorer on November 15, 2007 (Doc. 33). As grounds for the said motion, GE Capital states as follows:

1. On November 15, 2007, after both parties had filed various motions and briefs relating to the issue of whether Plaintiff/Counter-Defendant Koch Foods of Alabama, LLC ("Koch") had waived any claim to privilege over the document labeled KOCH 939 when Koch voluntarily disclosed it to GE Capital, Magistrate Judge Terry F. Moorer entered an Order and Protective Order (Doc. 32) regarding the same.

2. On November 21, 2007, pursuant to Fed. R. Civ. P. 72(a) and 28 U.S.C. § 636(b)(1)(A), GE Capital timely filed its Objections to Order and Protective Order Entered by Magistrate Judge Moorer on November 15, 2007 (Doc. 33) (“Objections to Order”).

3. On November 27, 2007, Judge Myron H. Thompson entered an Order (Doc. 36) stating that he would be taking any objections to Magistrate Judge Moorer’s Order and Protective Order under submission on December 14, 2007.

4. On December 14, 2007, Koch filed its Response to GECC’s Objections to Order and Protective Order (Doc. 52) (“Koch’s Response”).

5. GE Capital has now had an opportunity to review Koch’s Response and respectfully requests leave to respond to the same by submitting a reply in further support of its Objections to Order. GE Capital only needs a short period of time -- five business days, until December 21, 2007 -- to file such a reply.

6. No prejudice would result to any party as a result of the brief extension requested herein.

WHEREFORE, GE Capital respectfully requests that the Court allow it five (5) additional business days, until December 21, 2007, to submit a reply to Koch’s Response and in further support of GE Capital’s Objections to Order.

Dated: December 17, 2007.

Respectfully submitted,

By: /s/ Rusha C. Smith  
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Corporation

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CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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